

Christopher Knight

Christopher is a well-established junior with a broad public law practice and a particular specialism in media and privacy law, the devolution settlement and in Brexit-related matters. He has appeared in the most significant constitutional law cases of the last few years, including the Article 50 Brexit case, the Scottish independence referendum reference, the Rwanda deportation challenge and the dispute over the prorogation of Parliament. He has acted as sole advocate before the High Court, Court of Appeal, the Supreme Court and the Court of Justice of the EU and acts for Government, individual claimants, commercial clients and a wide variety of public sector bodies. He is also a leading expert in information and data protection law, having acted in hundreds of such cases and advising on the most complex policy and operational issues arising in those areas of law. Christopher is a highly regarded academic writer, publishing widely in journals and is the co-author of the leading textbook Bradley, Ewing & Knight on *Constitutional and Administrative Law* (2022, Pearson). He is an editor of the *White Book* and a member of the Editorial Committee of *Public Law*.

Christopher is a member of the Attorney General's Panel of Counsel. He won the Legal 500 Human Rights and Public Law junior of the year award in 2022 and has been nominated in equivalent categories in previous and subsequent years. He is ranked as a Band 1 junior by the directories in Administrative & Public Law and EU Law, and a Star Individual in Data Protection. The directories have recently described him as: the "*king of data rights*" (Legal 500, 2021), "*utterly first class*" (Legal 500, 2020), "*a superstar of the data and privacy world*" (Legal 500, 2024) and having "*a brain the size of a planet, and is very impressive and calm and collected in court*" (Chambers & Partners, 2021). Clients have commented that: "*Chris is an extraordinarily brilliant lawyer. He is steeped in public law, his drafting is so precise and beautifully written and his judgement is absolutely spot on*" (Chambers & Partners, 2024).

Recommendations

Christopher is a highly ranked practitioner in the directories for Administrative & Public Law (Band 1: C&P; Band 1: Legal 500), Data Protection (Star Individual: C&P; Band 1: Legal 500), European Union Law (Band 1: Legal 500) and Civil Liberties and Human Rights (Band 2: C&P).

"He is astonishingly calm in the face of an unpredictable, challenging and high-pressure environment. He's never too busy to take the time to explain concepts that seem simple to him, and is so adept at dealing with them" (C&P, 2024)

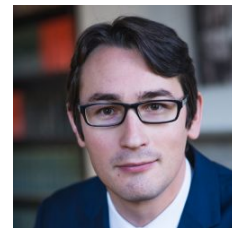
"As bright as they come and incredibly responsive despite being massively in demand. In common with many counsel in this chambers his vast intelligence is belied by a down-to-earth and commercial approach which clients love" (C&P, 2024)

"Christopher is quite simply the complete package. His written advocacy is stunning in its precision, brevity and craftsmanship. He is razor-sharp on both the details and the law" (Legal 500, 2024)

"A subtle advocate – the trust that tribunals and judges place in him is palpable" (Legal 500, 2024)

"He knows data protection inside and out. He has a lot of experience with drafting; he is to the point and his technical knowledge is excellent" (C&P, 2024)

"His ability to review complex documents, understand them and advise and draft pleadings is amazing" (C&P, 2023)



Professional Summary

Called 2008

Contact Details

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"His reputation before the court is incredibly strong. Judges listen to him and trust his advocacy" (C&P, 2023)

"Chris is absolutely brilliant on public and information law. He is hyper-intelligent, a completely safe pair of hands and is very usable" (C&P, 2023)

"He's got an extremely incisive knowledge of how government works. He is extremely good at hitting the nerve correctly and resolving disputes at an early stage" (C&P, 2023)

"Chris displays very high levels of knowledge. His sector expertise and commercial awareness shine through too" (C&P, 2023)

"Christopher has a deep knowledge of EU law, especially in the elections field and writes with great clarity and persuasion" (Legal 500, 2023)

"His written advocacy is at silk level and his oral advocacy is insightful, easy to follow, and compelling. It is not unusual for his submissions to essentially be adopted as the core of the judgment of the court" (Legal 500, 2022)

"One of the finest junior barristers that I have ever worked with" (Legal 500, 2022)

"Clients adore him: he's responsive, smart and good at managing their expectations" (C&P, 2022)

"A razor-sharp advocate with a huge brain" (C&P, 2022)

"Christopher Knight is a spectacularly fantastic junior. He is really spiky and fun as an advocate" (C&P, 2022)

"He is super-knowledgeable about all aspects of data protection law and combines this with clear strategic vision. A real star" (Legal 500, 2022)

"He is incredibly clever, super responsive and he delivers what the client wants accurately and quickly" (C&P, 2022)

"I like his modern way of not bothering with the fluff but getting straight to the heart of the matter. Whatever the opposite of pompous is, that's what he is. He uses plain language and makes everything very clear" (C&P, 2021)

"Chris is one of the best public law juniors around and is an absolute star in the making" (Legal 500, 2021)

"He is an engaging and charming lawyer who can make data protection interesting and understandable" (C&P, 2021)

"An encyclopaedic knowledge of public law and information/privacy law, prodigious work ethic, turns instructions around very quickly and cost-effectively" (Legal 500, 2021)

"He mixes it with senior silks and comes out on top" (Legal 500, 2020)

"He has a completely stellar practice, doesn't take bad points, and is one of the best public lawyers I know" (C&P, 2020)

"A talented advocate who very much has the ear of the court" (C&P, 2020)

"His advice is delivered swiftly and is unfailingly practical, pragmatic and concise" (Legal 500, 2020)

"One of the standout public law juniors. He knows everything, can explain it very simply, is incredibly cost and time effective, and is someone who clients have total faith in." (C&P, 2019)

"A go-to junior for data protection advice. He has an incredible ability to bring the subject matter to life and is extremely user friendly" (Legal 500, 2019)

"He is excellent, client friendly and has a great sense of humour." (Legal 500, 2019)

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"Christopher has a deep knowledge of EU law, especially in the elections field and writes with great clarity and persuasion" (Legal 500, 2023)

"He is the junior of choice in really important litigation" (C&P, 2023)

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"His ability to turn things that are so detailed and complicated around very quickly is impressive" (C&P, 2022)

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"An encyclopaedic knowledge of public law and information/privacy law, prodigious work ethic, turns instructions around very quickly and cost-effectively" (Legal 500, 2021)

"Excellent barrister who has appeared unled in a number of leading cases before the CJEU. Excellent written and oral submissions" (Legal 500, 2021)

"He mixes it with senior silks and comes out on top" (Legal 500, 2020)

"He has a completely stellar practice, doesn't take bad points, and is one of the best public lawyers I know" (C&P, 2020)

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Specialisms

Public

Christopher is a specialist public lawyer who regularly advises and appears on behalf of claimants, private companies and public authorities of different kinds. He has appeared in the most significant constitutional law cases of recent times, as well as many other high-profile matters giving rise to all manner of public law and human rights issues. He has published widely on the area in the leading journals and co-authors one of the leading textbooks. He is a recommended junior in both Chambers & Partners and Legal 500 (Band 1).

Examples of his work in this field include:

- **R (Duke of Sussex) v Secretary of State for the Home Department (No.s 1 & 2)** – challenge brought by Prince Harry to the level of protective security provided to him following his withdrawal from acting as a working member of the Royal Family; and a second challenge to a decision not to support the use of private funding to pay for the provision of protective security by the police
- **Ireland v United Kingdom (III)** – major inter-State application launched by Ireland against the UK before the European Court of Human Rights in relation to the enactment of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023
- **R (IAB) v Secretary of State for the Home Department** – important judgment of the Court of Appeal clarifying that the duty of candour does not permit the general redaction of the names of junior civil servants disclosed in judicial review proceedings
- **Hora v United Kingdom** – application before the European Court of Human Rights in connection with the UK's amended scheme prohibiting prisoner voting and its compliance with Article 3 of the First Protocol ECHR
- **R (AAA & ors) v Secretary of State for the Home Department** – major challenge to the legality and human rights' compliance of the Government's Rwanda deportation scheme, found to breach the principle of non-*refoulement* and Article 3 ECHR by the Supreme Court
- **R (Cabinet Office) v Chair of the UK Covid-19 Inquiry** – high-profile challenge to the issue of a notice requiring the disclosure to the Inquiry of WhatsApp messages unredacted for relevance
- **Bradshaw & ors v United Kingdom** – application before the European Court of Human Rights asserting that Article 3 of the First Protocol ECHR obliges the UK positively to investigate allegations of Russian attempts to interfere with domestic elections
- **Reference by the Lord Advocate** – devolution reference concerning the competence of the Scottish Parliament to legislate for a second independence referendum
- **R (Good Law Project) v Prime Minister & ors** – challenge to the legality of use by Ministers and officials of private email accounts and messaging services on Government business
- **R (Kellogg) v Secretary of State for Health and Social Care** – challenge to the inclusion of breakfast cereals within food placement and promotion restrictions
- **R (FDA) v Prime Minister** – challenge to Prime Minister's decision that the Home Secretary had not breached the Ministerial Code
- **Re the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill** –devolution reference to the Supreme Court raising issues of the limits of the Scottish Parliament to afford the Scottish Courts powers to strike down provisions of Acts of Parliament
- **R (A) v Secretary of State for the Home Department** – leading judgment on the approach to judicial reviews of policies
- **R (3Million Ltd & Open Rights Group) v Secretary of State for Digital, Culture, Media & Sport** – judicial review challenging the compatibility with EU law of the immigration exemption in Schedule 2 to the Data Protection Act 2018
- **R (Counsel General for Wales) v Secretary of State for Business, Energy and Industrial Strategy** – challenge by the Welsh Government to the terms of the UK Internal Market Act 2020 and its relationship with the devolution settlement
- **R (Good Law Project & others) v Secretary of State for Health and Social Care** – challenge to failures to comply with legal and policy procurement transparency obligations, with important observations on standing and relief
- **R (MP) v Secretary of State for Health and Social Care** – consultation and legitimate expectation by past practice challenge to NHS charging regulations
- **R (Francis) v Secretary of State for Health and Social Care** – challenge to the Coronavirus Self-Isolation Regulations on *vires* grounds
- **R (Hussain) v Secretary of State for Health and Social Care** – challenge to coronavirus restrictions closing mosques on Article 9 ECHR grounds

- **R (R) v National Police Chiefs' Council & Secretary of State for Justice** – judicial review of the exception to the protections of the Rehabilitation of Offenders Act when applying to become a police constable
- **R (QSA & others) v Secretary of State for the Home Department** – challenge to the criminalisation of street prostitution as indirectly gender discriminatory, and subsequently to the retention of convictions until the offender is aged 100
- **R (Liberty) v Prime Minister** – litigation concerning the meaning of and compliance with the European Union (Withdrawal) (No.2) Act 2019 ('the Benn Act')
- **R (Miller) (No.2) v Prime Minister** – unprecedented challenge to the prorogation of Parliament, heard by 11 Justices of the Supreme Court
- **R (ASK) v Secretary of State for the Home Department & NHS England** – the provision of mental health care in immigration removal centres
- **R (P, G & W) v Secretary of State for the Home Department** – Supreme Court appeal concerning the compatibility of the criminal record disclosure scheme with Article 8 ECHR
- **Re the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill** – first reference to the Supreme Court made under section 33 of the Scotland Act 1998, concerning legislative competence of the Scottish Parliament to legislate for the retention of EU law after Brexit
- **R (EU Lotto) v Secretary of State for Culture, Media and Sport** – Article 56 TFEU challenge to regulations prohibiting betting on the Euromillions lottery draw
- **R (MP) v Secretary of State for Health** – judicial review of regulations imposing upfront charging for use of the NHS
- **R (Aire Centre) v Secretary of State for the Home Department & Metropolitan Police Commissioner** – challenge to Operation Nexus as contrary to the Citizens Directive and in breach of police powers
- **Hudson Contract Services Ltd v Construction Industry Training Board** – industrial levy appeal raising various points of statutory construction and worth £8 million
- **R (AR) v Chief Constable of Greater Manchester Police & Secretary of State for the Home Department** – Supreme Court appeal concerning disclosures of acquittal information in enhanced criminal records certificate
- **R (QSA) v Secretary of State for the Home Department** – challenge to the disclosure of historic convictions for prostitution offences as contrary to Article 8, a breach of trafficking obligations and as gender discrimination
- **R (LG) v Independent Monitor** – an Article 8 challenge to the disclosure of a nurse's acquittal for theft from a patient on an enhanced criminal records check
- **R (Bucpapa) v Secretary of State for Justice** – a challenge to a refusal to repatriate a prisoner back to Albania
- **R (Crompton) v South Yorkshire Police and Crime Commissioner** – a challenge to the dismissal of the chief constable by the PCC following the Hillsborough Inquests
- **R (Miller & Dos Santos) v Secretary of State for Exiting the European Union** – the Article 50 Brexit litigation about the power to withdraw from the EU before 11 Justices of the Supreme Court
- **R (National Aids Trust) v NHS England** – Court of Appeal decision on the powers of NHS England to fund HIV drugs and the boundary of public health
- **R (Justice for Health Ltd) v Secretary of State for Health** – judicial review by junior doctors of a purported imposition of the new contract following strike action
- **Magyar Helsinki Bizottság v Hungary** – Grand Chamber decision finding, for the first time, a partial right of access to information within Article 10 ECHR
- **R (London Criminal Courts Solicitors Association) v Lord Chancellor** – judicial review challenge to the new criminal legal aid tender process
- **Kennedy v Charity Commission** – Supreme Court decision finding a common law right of access to information, but rejecting a right under Article 10 ECHR
- **Noon v Matthews** – appeal by way of case stated by the Conservators of the River Cam concerning the power of delegation of prosecutorial decision-making

Media & Privacy

Christopher is an experienced practitioner in media and privacy work, with a particular specialism in data protection and data privacy cases. He has experience of misuse of private information claims, breach of confidence cases, breaches of Article 8 ECHR and urgent injunctive relief claims. He is a leading specialist in the data protection legislation, working with individuals, private companies and public authorities, and regularly advises on some of the most sensitive and difficult policy areas. He is a regular contributor on the

area on 11KBW's leading *Panopticon* blog. His commentary on the UK GDPR and Data Protection Act 2018 in *The White Book* has been cited by the courts: see, e.g., *X v The Transcription Agency LLP* [2023] EWHC 1092 (KB).

Examples of his work in this field include:

- **R (3Million Ltd) v Secretary of State for the Home Department (No.2)** – further judicial review challenging the compatibility with retained EU law of the amended immigration exemption in Schedule 2 to the Data Protection Act 2018, determined by the Court of Appeal
- **FKJ v RVT** – significant WhatsApp hacking allegations and counterclaims for malicious prosecution
- **Google LLC v Lloyd** – leading Supreme Court decision on representative actions for data protection breaches, and the ability to claim damages for mere contravention under the Data Protection Act 1998
- **R (3Million Ltd & Open Rights Group) v Secretary of State for Digital, Culture, Media & Sport** – judicial review challenging the compatibility with EU law of the immigration exemption in Schedule 2 to the Data Protection Act 2018
- **R (Elgizouli) v Secretary of State for the Home Department (No.2)** – challenge to the transfer of personal data relating to the ISIS Beatles in response to a US MLA request
- **Case C-623/17 Privacy International** – review of the compatibility of bulk data gathering regimes by national security bodies with the Charter and the e-Privacy Directive
- **Case C-311/18 Schrems II** – intervening for the UK in an important reference about compliance of standard contractual clauses with the EU Charter in the context of international data transfers
- **Case C-687/18 Stunt v Associated Newspapers** – intervening for the UK in a reference challenging the compatibility with Charter rights of the automatic stay mechanism in journalistic processing cases before it was withdrawn
- **BBC v Independent Office for Police Conduct** – first appeal against an Information Notice served by the IOPC, against the BBC, raising Article 10 issues
- **Case C-136/17 GC v CNIL** – intervening for the UK in an important reference about the right to be forgotten
- **R (AK) v Information Commissioner** – judicial review of the Commissioner rejecting a ‘right to be forgotten’ complaint
- **Ittihadieh v 5-11 Cheyne Gardens RTM Co / Deer v University of Oxford** – leading Court of Appeal judgment on a number of different elements of data protection law, including personal data, search obligations and the grant of relief
- **Holyoake v Candy & CPC** – a significant data protection case on the application of the legal professional privilege exemption in relation to private investigators, and the scope of the iniquity exception to privilege
- **Bangura v Loughborough University Authority** – provision of personal data by a University to the police in the course of a police investigation
- **Lin v Metropolitan Police Commissioner** – high-profile subject access request case concerning individuals accused of murdering British tourists in Thailand and facing the death penalty
- **Kololo v Metropolitan Police Commissioner** – consideration of whether a subject access request was contrary to the purposes of the legislation when made to obtain material used in foreign criminal proceedings

Employment

Christopher has experience of the full range of employment law issues, successfully defending a number of lengthy hearings. He has appeared, successfully and unled, in the EAT and the Court of Appeal.

Examples of his work in this field include:

- **Harrod v Chief Constable of West Midlands** – the high-profile test case A19 litigation concerning the compulsory retirement of hundreds of police officers in five police forces
- **Beadling & others v NAC Agency & Nissan Motor Manufacturing UK Ltd** – significant Agency Worker Regulations hearing concerning a number of terms and conditions
- **Adegbola v Marks & Spencer** – Court of Appeal decision on reliance on previous written warnings in misconduct dismissals

Information

Christopher is a leading specialist in all aspects of information law. He regularly appears in the Information

Rights Tribunal in appeals under the Freedom of Information Act and the Environmental Information Regulations. He has extensive litigation and advisory experience of the Data Protection Act as well as other information governance regimes. In information law alone, Christopher has appeared at every level of the judicial system. He is a regular contributor on the area on 11KBW's leading *Panopticon* blog.

Examples of his work in this field include:

- **Montague v Information Commissioner & Department for International Trade** – Court of Appeal judgment concerning the aggregation of public interests under FOIA
- **Clearview AI Inc v Information Commissioner** – appeal against Enforcement and Penalty Notices issued against a US facial recognition database provider
- **Foreign, Commonwealth & Development Office v Information Commissioner & Williams, Wickham-Jones & Lownie** – Upper Tribunal appeal concerning whether a public authority can cite sections 23(1) and 24(1) FOIA in the alternative, to mask the applicable exemption
- **Experian v Information Commissioner** – major Tribunal appeal against a significant GDPR Enforcement Notice
- **EU & Eldon Insurance Service v Information Commissioner** – Upper Tribunal appeal against penalty notices, enforcement notices and assessment notices issued for breach of PECR, and procedural complaints against the ICO
- **Case C-619/19 Land Baden-Wurttemberg** – CJEU reference concerning the internal communications exemption in the Environmental Information Directive
- **Commissioner of the Police of the Metropolis v Information Commissioner & Rosenbaum** – Upper Tribunal decision setting out authoritative principles on the national security exemptions in FOIA, adopting counsel's submissions
- **Moss v Information Commissioner & Cabinet Office** – Upper Tribunal case reconsidering the role of Article 10 in FOIA cases following *Magyar Helsinki*
- **Maharaj v Petroleum Company of Trinidad & Tobago** – first Privy Council appeal on the Trinidad & Tobago Freedom of Information Act
- **UKIP v Information Commissioner** – first appeal to the Upper Tribunal concerning an Information Notice issued under the DPA 1998, arising in the context of the high-profile data analytics investigation
- **Department for Education v Information Commissioner & Whitmey** – appeal concerning the scope and weight of the convention of collective Ministerial responsibility under FOIA
- **Oxford Phoenix Innovation Ltd v Information Commissioner & MHRA** – appeal concerning the scope of the Tribunal to remit, vexatious requests and personal data
- **R (Good Law Project) v Secretary of State for Exiting the European Union** – judicial review seeking access to information at common law rather than via FOIA
- **Ahmed & Corderoy v Information Commissioner & Attorney General & Cabinet Office** – transferred appeal heard by the Upper Tribunal concerning the legal advice provided by the AG on lethal drone strikes against ISIL in Syria
- **Magyar Helsinki Bizottság v Hungary** – Grand Chamber decision finding, for the first time, a partial right of access to information within Article 10 ECHR
- **Keane v Information Commissioner** – Upper Tribunal consideration of the national security exemption in relation to the names of 19th century Irish informants
- **Parker v Information Commissioner** – Upper Tribunal decision addressing the effect of appellate case law on the vexatiousness exemption
- **Haslam v Information Commissioner & Bolton Council** – high-profile Upper Tribunal decision requiring the disclosure of names of councillors who had failed to pay their council tax
- **Kennedy v Charity Commission** – Supreme Court decision finding a common law right of access to information, but rejecting a right under Article 10 ECHR
- **Goldsmith International Business School v Information Commissioner** – leading Upper Tribunal authority on the approach to the personal data exemption under FOIA, adopting the principles proposed by counsel
- **UCAS v Information Commissioner & Lord Lucas** – Upper Tribunal decision on the application of FOIA to a partially designated public body

Christopher's data protection experience is set out under Media and Privacy.

Local Government

Christopher has considerable litigation and advisory experience in relation to the broad scope of local government law, ranging from community care and pensions to setting up academy schools and special educational needs.

Examples of his work in this field include:

- **R (Halton Borough Council) v Road User Charging Scheme Adjudicators** – novel challenge to the decision-making of the Traffic Penalty Tribunal concerning the scope of its jurisdiction and related public law issues
- **School Facilities Management Ltd & others v Governing Body of Christ the King College & Isle of Wight Council** – two week Commercial Court trial concerning whether a £15m contract for a sixth form building was ultra vires the school, with extensive additional issues concerning misrepresentation and restitution
- **R (Adamson) v Kirklees Council** – challenge before the Court of Appeal to the appropriation of allotment land arising from the interpretation of historic records
- **R (Hackney LBC, Waltham Forest LBC) v Secretary of State for Housing, Communities and Local Government** – challenge to directions issued preventing the authorities publishing their local newsheet
- **R (We Love Hackney) v Hackney LBC** – challenge to Hackney’s licensing policy by local businesses for non-compliance with the PSED
- **R (Harvey) v Haringey LBC & Secretary of State for Housing, Communities and Local Government** – challenge to the Local Government Pension Scheme as discriminatory against unmarried partners
- **R (Moore) v Secretary of State for Communities and Local Government** – a challenge to allotment disposals and the ‘exceptional circumstances’ provision
- **R (Harris) v Broads Authority** – a challenge to brand the Norfolk and Suffolk Broads as a national park
- **Haslam v Information Commissioner & Bolton Council** – high-profile decision requiring the disclosure of names of councillors who had failed to pay their council tax
- **Noon v Matthews** – appeal by way of case stated by the Conservators of the River Cam concerning the power of delegation of prosecutorial decision-making
- **London Borough of Tower Hamlets v London Borough of Bromley** – the application of various historic pieces of local government legislation to determine the ownership of a Henry Moore sculpture
- **R (London Borough of Tower Hamlets) v Secretary of State for Communities and Local Government** – a challenge to the imposition of external commissioners on a local authority

Professional Disciplinary & Regulatory Law

Christopher regularly acts for a wide array of regulators, including the Information

Commissioner, the Gambling Commission, HM Inspectors of Constabulary and Ofqual. He has also appeared in a number of different professional disciplinary contexts, including the General Medical Council, the Solicitors Regulatory Authority and the Association of Certified Chartered Accountants.

Examples of his work in this field include:

Ramaswamy v General Medical Council – appeal from a non-compliance decision of the Medical Practitioners Tribunal

Professional Standards Authority v General Medical Council & Hanson – costs judgment on the liability of the GMC to the PSA for errors of the Medical Practitioners Tribunal

Siddiqui v Information Commissioner – appeal concerning the interpretation of the fixed penalty provisions in section 158 of the Data Protection Act 2018

Sarkar v General Medical Council & Professional Standards Authority; Professional Standards Authority v General Medical Council & Hilton – costs judgments on the liability of the GMC to the PSA for errors of the Medical Practitioners Tribunal

Bhurawala v Solicitors Regulation Authority – section 44E appeal in the Solicitors Disciplinary Tribunal concerning client accounts breaches

Greene King Brewing and Retailing v Gambling Commission – first appellate case to consider the scope of the Commission’s licensing powers

White v Solicitors Regulation Authority – section 44E appeal in the Solicitors Disciplinary Tribunal

Taylor v Solicitors Regulation Authority – section 44E appeal in the Solicitors Disciplinary Tribunal

LAD Media v Information Commissioner – first appeal to give guidance on aggravating and mitigating factors concerning quantum of monetary penalty appeals

Shaikh v General Medical Council – appeal against the erasure from the register of a doctor for a variety of impairments of her fitness to practice

Luxury Leisure v Gambling Commission – important appeal concerning the regulation of gaming machines in betting shops

Reactiv Media v Information Commissioner – appeal against a monetary penalty for cold- calling in which the Tribunal increased the penalty

R (Hollis) v ACCA – challenge to the admissibility of a High Court judgment as evidence of misconduct

Inquiries and Investigations

Christopher has worked on some of the most sensitive and high-profile investigations, and has considerable experience in advising private sector, Government and public authority clients in relation to the work of statutory and non-statutory public inquiries.

Examples of his work in this field include:

R (Cabinet Office) v Chair of the UK Covid-19 Inquiry – the first judicial review of a notice issued under section 21 of the Inquiries Act 2005 compelling disclosure of documents, establishing the jurisdictional limits of that power

The Second Permanent Secretary's Investigation into Alleged Gatherings at No.10 Downing Street and the Cabinet Office – junior counsel to Sue Gray's investigation into the various 'Partygate' allegations, assisting with the production of final investigation report

Special Commission on the Resignation of the Commissioner of Police of the Metropolis – lead counsel assisting Sir Thomas Winsor WS in his investigation into the procedure adopted by the Mayor of London leading to the resignation of Dame Cressida Dick as Metropolitan Police Commissioner

European Union

Christopher is an experienced practitioner of European Union law in relation both to domestic incorporation of EU law regimes and the impact of EU law on English public law. He has extensive experience of advising on matters related to and arising from Brexit, including the scope of powers under the European Union (Withdrawal) Act 2018. He has acted as sole counsel before the Court of Justice of the EU. He is ranked as a Band 1 junior in Legal 500.

Examples of his work in this field include:

- **R (3Million Ltd) v Secretary of State for Home Department (No.2)** – further challenge to compatibility of amended domestic legislation with retained EU law, determined by the Court of Appeal
- **R (3Million Ltd & Open Rights Group) v Secretary of State for Digital, Culture, Media & Sport** – Court of Appeal judgment considering the approach to relief where primary legislation has been found incompatible with retained EU law
- **R (the3million & others) v Minister for the Cabinet Office** – challenge arising out of the conduct of the 2019 European Parliamentary election, alleging a breach of the Voting Rights Directive and making a *Francovich* damages claim
- **Case C-505/19 Bundesrepublik Deutschland** – reference concerning Interpol Red Notices, the double jeopardy principle and the Law Enforcement Data Protection Directive
- **Case C-619/19 Land Baden-Württemberg** – reference concerning the internal communications exemption in the Environmental Information Directive
- **Case C-746/18 HK** – reference concerning access to retained communications data for the purposes of law enforcement

- **Case C-623/17 Privacy International v Secretary of State for Foreign and Commonwealth Affairs** – significant reference concerning the scope of Article 4(2) TEU and the competence of the EU in national security matters
- **Case C-687/18 Stunt v Associated Newspapers** – intervening for the UK in a reference challenging the compatibility with Charter rights of the automatic stay mechanism in journalistic processing cases before the reference was withdrawn
- **Case C-311/18 Schrems II** – intervening for the UK in an important reference about compliance of standard contractual clauses with the EU Charter in the context of international data transfers
- **Re the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill** – first reference to the Supreme Court made under section 33 of the Scotland Act 1998, concerning legislative competence of the Scottish Parliament to legislate for the retention of EU law after Brexit
- **R (Aire Centre) v Secretary of State for the Home Department & Metropolitan Police Commissioner** – challenge to Operation Nexus as contrary to the Citizens Directive and in breach of police powers
- **R (EU Lotto) v Secretary of State for Culture, Media and Sport** – Article 56 TFEU challenge to regulations prohibiting betting on the Euromillions lottery draw
- **Case C-136/17 GC v CNIL** – intervening for the UK in an important reference about the right to be forgotten in data protection law
- **Case C-207/16 Ministerio Fiscal** – intervening for the UK in a reference about the meaning of ‘serious crime’ for the purposes of retention of communications data
- **R (Miller & Dos Santos) v Secretary of State for Exiting the European Union** – the Article 50 Brexit litigation about the power to withdraw from the EU
- **R (King) v Secretary of State for Environment Food and Rural Affairs** – the abuse of right principle under the Common Agricultural Policy
- **Lin v Metropolitan Police Commissioner** – construction of the Data Protection Act against EU law principles and the underlying Directive

Cases

R (Duke of Sussex) v Secretary of State for the Home Department

[2024] EWHC 418 (Admin)

Junior to Sir James Eadie KC; unique and high-profile challenge by Prince Harry to the changes made to his protective security arrangements following his stepping back from acting as a working member of the Royal Family (instructed by the Government Legal Department)

R (Knot Builders Ltd) v Construction Industry Training Board

[2024] EWHC 115 (Admin)

Novel challenge to the dismissal of a construction industry grant application, raising issues of fettering, policy interpretation, legitimate expectations, consistency and relief (instructed by Fieldfisher)

R (IAB & others) v Secretary of State for the Home Department

[2024] EWCA Civ 66

Junior to Laura Dubinsky KC; significant judgment on the scope of the duty of candour in judicial review, rejecting the approach of Government to the redaction of the names of junior civil servants (instructed by Duncan Lewis)

R (the3million) v Secretary of State for the Home Department

[2023] EWCA Civ 1474; [2023] EWHC 713 (Admin), [2023] 1 WLR 3011

Challenge to the legality of the amended immigration exemption within the Data Protection Act 2018 following earlier litigation, in which the High Court and Court of Appeal largely accepted the submissions of the Information Commissioner as intervener (instructed by the Information Commissioner’s Office)

Montague v Information Commissioner & Department for International Trade

[2023] EWCA Civ 1378; [2022] UKUT 104 (AAC), [2023] 1 WLR 1565

Court of Appeal decision overturning a three judge UT panel determining issues of principle concerning the permissibility of the aggregation of exemptions under the Freedom of Information Act 2000. The UT decision on the point at which the public interest test is assessed was not appealed (instructed by Leigh Day)

R (AAA & ors) v Secretary of State for the Home Department

[2023] UKSC 42; [2023] 1 WLR 4433; [2023] EWCA Civ 745; [2023] 1 WLR 3103; [2022] EWHC 3230 (Admin); [2022] EWHC 2191 (Admin)

Junior to Raza Husain KC; successful major challenge to the Rwanda deportation policy under domestic law, the ECHR and the Refugee Convention; acted as sole counsel at a preliminary hearing on a PII application (instructed by Duncan Lewis)

R (Cabinet Office) v Chair of the UK Covid-19 Inquiry

[2023] EWHC 1702 (Admin)

Junior to Sir James Eadie KC; challenge to the issue and terms of a coercive notice issued by the Covid-19 Inquiry requiring the provision of certain WhatsApp message threads (instructed by the Government Legal Department)

R (AAA & ors) v Secretary of State for the Home Department

[2023] EWCA Civ 745; [2022] EWHC 3230 (Admin); [2022] EWHC 2191 (Admin)

Junior to Raza Husain KC; major challenge to the Rwanda deportation policy under domestic law, the ECHR and the Refugee Convention; acted as sole counsel at a preliminary hearing on a PII application (instructed by Duncan Lewis)

R (Duke of Sussex) v Secretary of State for the Home Department

[2023] EWHC 1228 (Admin)

Permission to claim judicial review refused in a second claim concerning a refusal to support private funding for the provision of police protection to the Duke of Sussex (instructed by the Government Legal Department)

R (the3million) v Secretary of State for the Home Department

[2023] EWHC 713 (Admin)

Challenge to the legality of the amended immigration exemption within the Data Protection Act 2018 following earlier litigation, in which the High Court largely accepted the submissions of the Information Commissioner as intervener (instructed by the Information Commissioner's Office)

R (Good Law Project) v Prime Minister & ors

[2022] EWCA Civ 1580; [2022] 1 WLR 795; [2022] EWHC 960 (Admin); [2022] 1 WLR 3748

Junior to Sir James Eadie KC; wide-ranging challenge in connection with the use by Minister and officials of non-corporate communications channels, addressing the interpretation of the Public Records Act 1958 and the enforceability of policy documents (instructed by the Government Legal Department)

Reference by the Lord Advocate of Devolution Issues under the Scotland Act 1998

[2022] UKSC 31; [2022] 1 WLR 5435

Junior to Sir James Eadie KC; unprecedented devolution reference under Schedule 6 to the Scotland Act 1998 of the question of whether the Scottish Parliament has legislative competence to legislate for a second independence referendum (instructed by the Office of the Advocate General for Scotland)

R (Kellogg Company) v Secretary of State for Health and Social Care

[2022] EWHC 1710 (Admin); [2022] PTSR 1819

Junior to Tom Hickman KC; judicial review of food promotion restrictions applicable to breakfast cereals, giving rise to issues of *vires*, Henry VIII powers, incorporation of extraneous documents, relevancy of considerations and proportionality (instructed by DLA Piper)

Montague v Information Commissioner & Department for International Trade

[2022] UKUT 104 (AAC); [2023] 1 WLR 1565

Three judge panel determining issues of principle concerning the permissibility of the aggregation of exemptions and the point at which the public interest test is assessed under the Freedom of Information Act 2000 (instructed by Leigh Day)

SMO (a child) v TikTok Inc & others

[2022] EWHC 489 (QB)

Junior to Anya Proops KC; consideration of an application to serve out of the jurisdiction in the context of a representative claim for breach of the UK GDPR against the social media giant, TikTok, on behalf of a class of all child users in the EU (instructed by Hogan Lovells)

R (Counsel General for Wales) v Secretary of State for Business, Energy and Industrial Strategy

[2022] EWCA Civ 118; [2021] EWHC 950 (Admin)

Junior to Sir James Eadie KC; novel challenge brought by the Welsh Government to the terms of the United Kingdom Internal Market Act 2020, raising issues of prematurity and the proper approach to statutes which interact with the devolution settlement (instructed by the Government Legal Department)

R (FDA) v Prime Minister

[2021] EWHC 3279 (Admin); [2022] 4 WLR 5

Junior to Sir James Eadie KC; claim seeking relief in relation to the interpretation of the Ministerial Code in connection with the complaints made against the Home Secretary (instructed by the Government Legal Department)

Google LLC v Lloyd

[2021] UKSC 50; [2022] AC 1217

Acting for an intervener in a major appeal concerning the recoverability of compensation for loss of control (or mere contravention) under the DPA 1998, and the role of representative actions in such claims; the only unled junior counsel in the appeal (instructed by Linklaters)

Re the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill & anr

[2021] UKSC 42; [2021] 1 WLR 5106

Junior to Sir James Eadie KC; reference brought by the UK Law Officers against two Bills of the Scottish Parliament as inconsistent with the continuing sovereignty of the Westminster Parliament, and in relation to the interpretative principles (instructed by the Office of the Advocate General)

Foreign, Commonwealth & Development Office v Information Commissioner & Williams, Wickham-Jones & Lownie

[2021] UKUT 248 (AAC); [2022] 1 WLR 1132

Three-judge panel finding that it is permissible to cite sections 23(1) and 24(1) FOIA in the alternative to protect national security, and summarising the applicable principles to both exemptions (instructed by the Information Commissioner)

R (A) v Secretary of State for the Home Department

[2021] UKSC 37; [2021] 1 WLR 3931

Junior to Jonathan Moffett KC; challenge to the Child Sex Offender Disclosure Scheme Guidance, in which the Supreme Court significantly revisited and revised the proper approach to judicial reviews of policies and the 'unacceptable risk' line of authority (instructed by the Government Legal Department)

R (Open Rights Group & 3Million Ltd) v Secretary of State for the Home Department

[2021] EWCA Civ 800; [2021] 1 WLR 3611; [2021] EWCA Civ 1573; [2022] QB 166

Major challenge to the insertion into the Data Protection Act 2018 of a new exemption in Schedule 2 concerning prejudice to immigration control, found to be contrary to the GDPR, and with a consequential judgment on the appropriate relief against primary legislation incompatible with retained EU law (instructed by the Information Commissioner)

Professional Standards Authority v General Medical Council & Hanson

[2021] EWHC 1288 (Admin)

Judgment on the proper approach to costs against the GMC, where it has not sought to defend a decision of the Medical Practitioners Tribunal on an appeal brought by the PSA (instructed by the General Medical Council)

Case C-505/19 WS v Bundesrepublik Deutschland

(EU:C:2021:376) [2021] 3 CMLR 26

CJEU consideration of Interpol red notices, their relation with the European Arrest Warrant, the principle of double jeopardy and the compatibility of transfers of personal data to and from Interpol with Directive 2016/680 (the Law Enforcement Directive) (instructed by the Government Legal Department)

M.C. v. United Kingdom

ECtHR, App. No. 51220/13, 30 March 2021

Junior to Jonathan Moffett KC; European Court of Human Rights decision dismissing claim that the criminal records disclosure scheme was incompatible with Article 8 ECHR (instructed by the Foreign, Commonwealth and Development Office)

R (Good Law Project Ltd & others) v Secretary of State for Health and Social Care

[2021] EWHC 505 (Admin); [2021] PTSR 1251

Junior to Jason Coppel KC; challenge to the Secretary of State's failure to comply with legal and policy duties to publish procurement transparency notices within specified time periods, and the proper approach to relief and standing (instructed by Deighton Pierce Glynn)

R (QSA & others) v National Police Chiefs' Council & Secretary of State for the Home Department

[2021] EWHC 272 (Admin); [2021] 1 WLR 2962

Junior to Kate Gallafent KC; challenge to the NPCC policy of retaining convictions for recordable offences on the Police National Computer until the offender was aged 100 as incompatible with Article 8 ECHR (instructed by the Government Legal Department)

R (3Million Ltd & others) v Minister for the Cabinet Office

[2021] EWHC 245 (Admin)

Junior to Clive Sheldon KC; challenge to the preparation for and conduct of the 2019 European Parliamentary election, and the registration requirements imposed on EU citizens, as incompatible with EU law and Article 3 of the First Protocol ECHR (instructed by the Government Legal Department)

Case C-619/19 Land Baden-Württemberg v DR

(EU:C:2021:35); [2021] PTSR 1038

Leading CJEU judgment on the internal communications exemption in Directive 2003/4/EC, domestically implemented in the Environmental Information Regulations 2004, including concerning whether scope of the exemption is time-limited (instructed by the Government Legal Department)

Case C-746/18 HK v Prokuratuur

[2021] 1 WLR 4587

CJEU judgment concerning access of electronic communications by law enforcement agencies and the e-Privacy Directive (instructed by the Government Legal Department)

Leave.EU & Eldon Insurance Services v Information Commissioner

[2021] UKUT 26 (AAC)

Significant Upper Tribunal judgment against penalty notices, enforcement notices and assessment notices for breaches of email marketing laws which arose from the context of the EU referendum, along with a discussion of the relevance of procedural complaints about the ICO's decision-making (instructed by the Information Commissioner)

Commissioner of Police of the Metropolis v Information Commissioner & Rosenbaum

[2021] UKUT 5 (AAC)

Judgment of the Upper Tribunal authoritatively collating the principles applicable to cases raising the national security exemptions under the Freedom of Information Act 2000 (instructed by the Information Commissioner)

R (MP) v Secretary of State for Health and Social Care

[2020] EWCA Civ 1634; [2021] PTSR 1122

Junior to Jason Coppel KC; challenge to changes to NHS overseas visitor charging regulations on consultation and legitimate expectation grounds (instructed by Deighton Pierce Glynn)

R (Francis) v Secretary of State for Health and Social Care

[2020] EWHC 3287 (Admin); [2021] PTSR 921

Junior to James Eadie KC; challenge to the Health Protection (Coronavirus, Restrictions) (Self- Isolation) (England) Regulations 2020 as ultra vires, raising issues of whether the self-isolation requirements amounted to quarantine or detention at common law (instructed by the Government Legal Department)

R (R) v National Police Chiefs' Council; Secretary of State for Justice

[2020] EWCA Civ 1346; [2017] EWHC 2586 (Admin); [2018] 1 WLR 1651

Junior to Kate Gallafent KC; an Article 8 challenge to the provision of the Rehabilitation of Offenders Act that all convictions and cautions be self-disclosed when applying for the office of police constable (instructed by the Government Legal Department)

Case C-623/17 Privacy International (EU:C:2020:790); [2021] 1 WLR 4421

Cases C-511, 512, 520/18 La Quadrature du Net & ors (EU:C:2020:791); [2021] 1 WLR 4457 Junior to Gerry Facenna KC; highly significant judgments on the compatibility of powers of intelligence agencies of Member States to gather bulk communications data from communications service providers with the Charter of Fundamental Rights and the e-Privacy Directive (instructed by the Government Legal Department)

R (Elgizouli) v Secretary of State for the Home Department (No.2)

[2020] EWHC 2516 (Admin); [2021] 3 All ER 247

Junior to James Eadie KC; challenge on data protection grounds to the transfer of data to the USA under a mutual legal assistance request for the purpose of prosecuting in the US alleged members of the so-called 'ISIS Beatles' (instructed by the Government Legal Department)

Case C-311/18 Data Protection Commissioner v Facebook Ireland Ltd & Schrems

(EU:C:2020:559)

Junior to Josh Holmes KC for the written observations, unled at the oral hearing; highly significant CJEU decision on the compatibility of standard contract clauses as a mechanism for international transfers of personal data, and the EU-US Privacy Shield (instructed by the Government Legal Department)

Moss v Information Commissioner & Cabinet Office

[2020] UKUT 242 (AAC)

Junior to Timothy Pitt-Payne KC; consideration of the role of Article 10 ECHR in freedom of information cases in the light of *Kennedy v Charity Commission* and *Magyar Helsinki v Hungary* (instructed by the Government Legal Department)

Sarkar v General Medical Council & Professional Standards Authority

[2020] EWHC 1896 (Admin)

Consideration of approach to costs where an appeal was allowed by consent against the Medical Practitioners Tribunal, and the extent to which the GMC should be liable for costs when it does not seek to defend the decision (instructed by the General Medical Council)

R (Hussain) v Secretary of State for Health and Social Care

[2020] EWHC 1392 (Admin)

Junior to James Eadie KC; judicial review and application for interim relief brought by a mosque against the coronavirus lockdown restrictions closing places of worship as a breach of Article 9 ECHR (instructed by the Government Legal Department)

School Facilities Management Ltd & others v Governing Body of Christ the King College & Isle of Wight Council

[2020] EWHC 1118 (Comm); [2020] EWHC 1477 (Comm)

Junior to Peter Oldham KC; two week Commercial Court trial as to whether a school had acted ultra vires in entering into a 15 year lease for a sixth form building, along with extensive restitution issues (instructed by Stone King)

Hudson Contract Services v Construction Industry Training Board

[2020] EWCA Civ 328; [2020] ICR 1344; [2019] EWHC 45 (Admin); [2019] ICR 1001

Construction industry levy appeal worth £8 million; junior to Sam Grodzinski KC on the successful appeal, having been successful unled before the Employment Tribunal and the High Court (instructed by Fieldfisher)

R (Adamson) v Kirklees Metropolitan Borough Council

[2020] EWCA Civ 154; [2020] 2 P&CR 9; [2019] EWHC 1129 (Admin)

Appeal concerning the meaning of statutory appropriation of land for allotment purposes, where alleged appropriation was historic, overturning first instance judgment (instructed by Kirklees MBC)

R (QSA & others) v Secretary of State for the Home Department

[2020] EWCA Civ 130; [2020] 1 WLR 2062; [2018] EWHC 407 (Admin); [2018] 1 WLR 4279

Junior to Kate Gallafent KC; a challenge to the criminalisation of street prostitution as contrary to Article 14 ECHR as indirectly gender discriminatory (instructed by the Government Legal Department)

R (Good Law Project) v HM Revenue & Customs (Uber London Ltd as interested party)

[2019] EWHC 3125 (Admin); [2020] STC 145

Analysis of the power of HMRC to disclose taxpayer information consistently with section 18 of the Commissioners for Customs and Revenue Act 2005 and open justice in response to a public interest judicial review of HMRC's decision-making (instructed by Rook Irwin Sweeney)

R (Liberty) v Prime Minister

[2019] EWCA Civ 1761; [2020] 1 WLR 1193

Junior to James Eadie KC; high-profile claim concerning the effect of, and compliance with, the European

Union (Withdrawal) (No.2) Act 2019 and raising issues of case management where the same matters are before the courts of the different jurisdictions of the United Kingdom (instructed by the Government Legal Department)

R (Miller) (No.2) v Prime Minister

[2019] UKSC 41; [2020] AC 373 and [2019] EWHC 2381 (QB)

Junior to James Eadie KC; unprecedented challenge to the exercise of the prerogative power to advise HM The Queen to prorogue Parliament, and the scope and effect of the principle of non-justiciability (instructed by the Government Legal Department)

Case C-136/17 GC v CNIL

EU:C:2019:773

Significant reference determined by the CJEU concerning the effect of the right to be forgotten in the context of sensitive personal data available online through internet search engines, balancing privacy and free expression rights (instructed by the Government Legal Department)

R (ASK) v Secretary of State for the Home Department & NHS England

[2019] EWCA Civ 1239

Junior to Patrick Green KC; a significant appeal concerning the provision of mental health care in immigration removal centres and the respective legal responsibilities of different State bodies (instructed by Browne Jacobson)

R (We Love Hackney Ltd) v Hackney London Borough Council

[2019] EWHC 1007 (Admin); [2019] Costs LR 463

Junior to Philip Kolvin KC; the leading authority on cost capping orders, public interest issues and the application of the regime to crowdfunding cases and wealthy campaign supporters (instructed by Leigh Day)

Maharaj v Petroleum Company of Trinidad and Tobago Ltd

[2019] UKPC 21

Junior to Richard Clayton KC; the first substantive consideration by the Privy Counsel of the Trinidad and Tobago Freedom of Information Act, overturning a refusal of permission to bring a judicial review for breach

R (P, G & W) v Secretary of State for the Home Department

[2019] UKSC 3; [2020] AC 185

Junior to James Eadie KC; a major Article 8 challenge to the legislative scheme for the disclosure of criminal conviction records, as revised following the earlier case of *T* (instructed by the Government Legal Department)

UKIP v Information Commissioner

[2019] UKUT 62 (AAC)

First appeal to the Upper Tribunal against an Information Notice issued under the DPA 1998, in the context of the data analytics in political campaigning investigation (instructed by the Information Commissioner)

BBC v Independent Office for Police Conduct

(EA/2018/0163) (First-tier Tribunal)

First appeal against an Information Notice issued by the IOPC under the Police Reform Act 2002, raising Article 10 ECHR issues where the recipient was the BBC (instructed by the IOPC)

Re the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

[2018] UKSC 64; [2019] AC 1022

Junior to HM Advocate General; the first ever reference by the UK Law Officers of a Bill of the Scottish Parliament, concerning the retention of EU law in Scots law after Brexit, and constituting the most significant devolution case since *AXA* (instructed by the Government Legal Department)

R (MP) v Secretary of State for Health and Social Care

[2018] EWHC 3392 (Admin)

Junior to Jason Coppel KC; a challenge to NHS Charging Regulations imposing upfront payment requirements, raising novel issues of consultation and *Tameside* and PSED grounds (instructed by Deighton Pierce Glynn)

R (AIRE Centre) v Secretary of State for the Home Department; Commissioner of Police of the Metropolis

[2018] EWCA Civ 2837; [2019] 1 WLR 3002

Junior to Jonathan Swift KC; a challenge to Operation Nexus – under which persons arrested are asked questions to establish their immigration status – as a breach of the Citizens Directive and outwith police powers (instructed by the Government Legal Department)

R (EU Lotto Ltd and others) v Secretary of State for Digital, Culture, Media and Sport

[2018] EWHC 3111 (Admin); [2019] 1 CMLR 41

Junior to Jonathan Moffett KC; an Article 56 TFEU challenge to a ban imposed by secondary legislation on betting on the outcome of the EuroMillions lottery draw (instructed by the Gambling Commission)

R (Harvey) v Haringey LBC & Secretary of State for Communities and Local Government

[2018] EWHC 2871 (Admin); [2019] ICR 1059

Junior to Julian Milford; a challenge to survivors benefits rules under the Local Government Pension Scheme as discriminatory against unmarried partners contrary to Article 14 (instructed by the Government Legal Department)

Case C-207/16 Ministerio Fiscal

EU:C:2018:78; [2019] 1 WLR 3121

Junior to Gerry Facenna KC; consideration of the restrictions on access to communications data under the e-Privacy Directive (instructed by the Government Legal Department)

R (AR) v Chief Constable of Greater Manchester Police & Secretary of State for the Home Department

[2018] UKSC 47; [2018] 1 WLR 4079

Junior to Jonathan Moffett KC; an Article 8 challenge to the disclosure of rape acquittal information in an enhanced criminal records check which also raised issues of principle as to the approach to proportionality on appeal (instructed by the Government Legal Department)

Oxford Phoenix Innovation Ltd v Information Commissioner & MHRA

[2018] UKUT 192 (AAC)

Appeal under FOIA giving rise to various issues concerning the scope of the Tribunal to remit to the public authority, vexatious requests and the personal data exemption

R (LG) v Independent Monitor

[2017] EWHC 3327 (Admin)

An Article 8 challenge to the disclosure of information in an enhanced criminal records check revealing that the nurse applicant had been acquitted of theft from a patient (instructed by the Government Legal Department)

R (Bruton) v Secretary of State for Justice

[2017] EWHC 1967 (Admin); [2017] 4 WLR 152

The first procedural fairness challenge to a decision refusing an indeterminate sentence prisoner early release on compassionate family grounds (instructed by the Government Legal Department)

R (Bucpapa) v Secretary of State for Justice

[2017] EWHC 1895 (Admin)

A rare judicial review of a refusal to repatriate a serious criminal to Albania, raising rationality and consistency challenges (instructed by the Government Legal Department)

R (Crompton) v South Yorkshire Police and Crime Commissioner

[2017] EWHC 1349 (Admin); [2018] 1 WLR 131

Junior to Clive Sheldon KC; the first challenge to a dismissal of a chief constable by a police and crime commissioner, in the context of the Hillsborough Inquests (instructed by HM Inspectorate of Constabulary)

Greene King Brewing and Retailing Ltd v Gambling Commission

[2017] EWCA Civ 372; [2017] 1 WLR 3611

Junior to Philip Kolvin KC; the first Court of Appeal case concerning the Gambling Act 2005, involving consideration of the refusal of licence applications and the scope of the regulator's powers under the statutory scheme (instructed by the Gambling Commission)

Ittihadieh v 5-11 Cheyne Gardens RTM Co Ltd; Deer v University of Oxford

[2017] EWCA Civ 121; [2018] QB 256

Junior to Julian Milford; appeared for the Information Commissioner intervening in joined appeals

determining a series of important issues under the Data Protection Act and subject access requests (instructed by the Information Commissioner's Office)

R (Miller & Dos Santos) v Secretary of State for Exiting the European Union

[2017] UKSC 5; [2018] AC 61 and [2016] EWHC 2768 (Admin); [2017] 1 All ER 158

Junior counsel for the Secretary of State in the most important and high-profile constitutional case of a generation. Heard by all 11 Justices of the Supreme Court, it considered prerogative powers, Parliamentary sovereignty, the status of EU law, the devolution legislation and the role of constitutional conventions (instructed by the Government Legal Department)

Magyar Helsinki Bizottság v Hungary

App. No. 18030/11, European Court of Human Rights, Grand Chamber

Junior to Richard Clayton KC; the Grand Chamber revisited contradictory authority to recognise, in part, a right of access to information under Article 10 ECHR (instructed by various NGO Interveners, including the Media Legal Defence Initiative, the Campaign for Freedom of Information and Article 19)

R (Justice for Health Ltd) v Secretary of State for Health

[2016] EWHC 2338 (Admin)

Junior to Jason Coppel KC; acting for the NHS Confederation as an Interested Party in the legal challenge to the introduction of the new national contract for junior doctors (instructed by Capsticks Solicitors LLP)

Keane v Information Commissioner, Home Office and Metropolitan Police Service

[2016] UKUT 461 (AAC)

A FOIA appeal concerning access to files concerning 19th century Irish informers, withheld on the grounds of national security (instructed by the Metropolitan Police Service)

Lin v Metropolitan Police Commissioner

[2015] EWHC 2484 (QB)

Junior to Anya Proops; high-profile subject access request by the individuals suspected of murdering Hannah Witheridge and David Miller in Thailand for a Metropolitan Police report into the Thai investigation which considered the scope of the section 29 law enforcement exemption in the Data Protection Act (instructed by the Metropolitan Police Commissioner)

R (London Criminal Courts Solicitors Association) v Lord Chancellor

[2015] EWHC 295 (Admin)

Junior to Jason Coppel KC; challenge to the criminal legal aid tender process on rationality, *Tameside* and procurement grounds on behalf of criminal legal aid defence firms (instructed by Kingsley Napley)

Kennedy v Charity Commission

[2014] UKSC 20; [2014] 2 WLR 808

Junior to Richard Clayton KC; appeared for the Media Legal Defence Initiative and the Campaign for Freedom of Information, intervening on the application of Article 10 ECHR to a right of access to information and the interplay with FOIA (instructed by the Media Legal Defence Initiative)

Appointments

Editorial Committee member, and Deputy Editor, of *Public Law*

Judicial Assistant to the Justices of the Supreme Court, 2009-2010.

He has previously worked as a College Lecturer in Law at Christ Church, Oxford teaching Administrative Law, and a Constitutional Law supervisor at St Edmund's College, Cambridge.

Articles & Publications

Books:

A.W. Bradley, K.D. Ewing & C.J.S. Knight, *Constitutional and Administrative Law* (18th ed., 2022, Pearson)

R. Blakeley, C. Knight & S. Love, *The New Tribunals Handbook* (2011, Bloomsbury Professional)

'Procedural Rules and Consultation' in H. Fenwick (ed.), Supperstone, Goudie & Walker, *Judicial Review* (6th ed., 2017) (and since 5th ed.)

'Pre-Empting Problems – Choice of Court and Choice of Law' in D. Oudkerk KC & A. Rogers (ed.s), *International Employment Law* (2019, LexisNexis)

Contributor to C. Lewis, *Judicial Remedies in Public Law* (6th ed., 2021)

Contributor to *Civil Practice* ('the White Book') since 2014 edition

Contributor to *Tolley's Employment Handbook* since 25th edition (2011)

Articles:

'Public Law in the Supreme Court 2018-2019' [2020] 25 J.R. 241 (with T. Cross)

'Automated Decision-Making and Judicial Review' [2020] 25 J.R. 21

'Public Law in the Supreme Court 2017-2018' [2019] 24 J.R. 40 (with T. Cross)

'Clarifying the Opacity of the Duty of Transparency' [2018] P.L. 201

'Public Law in the Supreme Court 2015-2016' [2017] 22 J.R. 215 (with T. Cross)

'Public Law in the Supreme Court 2014-2015' [2016] 21 J.R. 1 (with T. Cross)

'The Rule of Law, Parliamentary Sovereignty and the Veto' (2015) 131 L.Q.R. 548

'Public Law in the Supreme Court 2013-2014' [2015] 20 J.R. 1 (with T. Cross)

'The Veto in the Court of Appeal' (2014) 130 L.Q.R. 552

'Public Law in the Supreme Court 2012-2013' [2014] 19 J.R. 9 (with T. Cross)

'The Prince of Wales and a Constitutional Aberration' (2014) 130 L.Q.R. 37

'Article 10 and a Right of Access to Information' [2013] P.L. 648

'The Discretion Afforded to Statutory Regulators in Public Law' [2013] 18 J.R. 116

'Public Law in the Supreme Court 2011-2012' [2012] 17 J.R. 330 (with T. Cross)

'The Supreme Court Gives Its Reasons' (2012) 128 L.Q.R. 481

'Doing (Linguistic) Violence to Prevent (Domestic) Violence? *Yemshaw v Hounslow LBC* in the Supreme Court' [2012] C.F.L.Q. 1

'Public Law in the Supreme Court 2010-2011' [2011] 16 J.R. 348 (with T. Cross)

'Exporting Lethal Injections: *Zagorski and Blaze*' [2011] 16 J.R. 170

'Second Appeals and the Requirement of Certification' (2011) 127 L.Q.R. 188

'Constitutionality and Misfeasance in Public Office: Contorting the Tort?' [2011] 16 J.R. 49

'Striking Down Legislation under Bi-Polar Sovereignty' [2011] P.L. 89

'Public Law in the Supreme Court 2009-2010' [2010] 15 J.R. 299 (with T. Cross)

'*Renvoi* and Moveable Property: Another Nail in the Coffin?' [2010] 74 Conv. 62

'Taking an *AXA* to Acts of the Scottish Parliament' [2010] 15 J.R. 163

'Towards a Codified Constitution' (2010) Justice Journal 74 (co-author)

‘Procuring the End of the Promptness Requirement’ [2010] 29 C.J.Q. 297

‘Practice and Procedure in the New Supreme Court’ [2010] 15 J.R. 1

‘Anti-Suit Injunctions and Non-Exclusive Jurisdiction Clauses’ [2010] 69 C.L.J. 25

‘Contracting Out of Homelessness Functions’ [2009] 14 J.R. 333

‘The Permission Stage and Subsequent Use of Disclosed Material’ [2009] 14 J.R. 249

‘Arbitration and Litigation after *West Tankers*’ [2009] L.M.C.L.Q. 285

‘Bi-Polar Sovereignty Restated’ [2009] 68 C.L.J. 361

‘Promptness and Judicial Review’ [2009] 14 J.R. 113

‘A Framework for Fettering’ [2009] 14 J.R. 73

‘The Continued Rise (and Future Fall?) of the Anti-Suit Injunction: *Masri v CCIC*’ [2009] 20 King’s L.J. 137

‘Expectations in Transition: Recent Developments in Legitimate Expectations’ [2009] P.L. 15

‘I Can See Clearly Now: Transparency and the ECJ’ (2009) 125 L.Q.R. 54

‘The Damage of Damages: *Agreements on Jurisdiction and Choice of Law*’ [2008] 4 J.Pr.I.L. 501

‘Reasonableness Transformed (in Canada)’ [2008] 13 J.R. 214

‘Complicating Simplicity: the “Court First Seised” and “Related Actions” in Article 28’ [2008] 27 C.J.Q. 454

‘Monkeying Around with Free Speech’ (2008) 124 L.Q.R. 560

‘Judicial Review – Ten Years On’ [2008] 13 J.R. 214

‘Clarifying Immateriality’ [2008] 13 J.R. 111

‘Of Coups and Compensation Claims: *Mbasogo* Reassessed’ [2008] 19 King’s L.J. 176

‘Independent and Impartial Tribunals: Another One Bites the Dust’ [2008] 13 J.R. 46

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‘Why the ECJ is the EU’s own Worst Enemy’ [2006] 9 T.C.L.R. 91 (Trinity College Law Review)

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